

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	C.A. 04-12
)	
)	Judge Lancaster
L.T. FORTE, et al.,)	Magistrate Judge Caiazza
)	
Defendants.)	

ORDER

The Plaintiff has submitted for filing a Civil Rights complaint and he seeks leave to prosecute in forma pauperis. The filing fee is \$250.00. The Plaintiff does not have sufficient funds in his prison account to pay the entire filing fee. The Prison Litigation Reform Act of 1996, 28 U.S.C. § 1915(b) as amended April 26, 1996, requires that prisoners, who cannot pay the full filing fee immediately, submit an initial partial filing fee and the balance in installment payments. His current monthly balance is a negative \$144.00. The Court finds that requiring the Plaintiff to contribute anything towards the filing fee at this time would create a grave injustice and the payment of the initial partial filing fee is held in abeyance.

IT IS HEREBY ORDERED that the agency having custody of the Plaintiff shall forward to the Clerk of Court payments from the

prisoner's account in the amount of twenty percent of the preceding month's income credited to the prisoner's account each time the account exceeds ten dollars (\$10.00), until the full filing fee is paid in accordance with provisions of 28 U.S.C. § 1915(b)(1).

IT IS FURTHER ORDERED that leave to proceed in forma pauperis is granted. The Plaintiff within twenty (20) days shall authorize payment of the filing fee by returning to the court one of two attached copies of the Notice and Authorization of Withdrawal of Action, permitting payment of monthly installments in the amount of twenty percent of his preceding month's income whenever the amount in his account exceeds ten dollars. The requisite amount shall be forwarded to the Clerk of Court. That portion of the notice entitled "AUTHORIZATION" must be signed by the Plaintiff. In the alternative, the Plaintiff may withdraw this action by signing that portion of the notice entitled "WITHDRAWAL OF ACTION".

IT IS FURTHER ORDERED that the Plaintiff is allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

October 12, 2005

s/Francis X. Caiazza
Francis X. Caiazza
U.S. Magistrate Judge

cc:

Anthony Williams, AY-6759

SCI Fayette

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